

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

Maria Theresa C. Vinluan

Plaintiff	Case Number
vs.	
Ardasley Union Free School District and Jeanne Farruggio	
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

MARIA THERESA C. VINLUAN,
on her own behalf and on behalf of her
minor child,
WV

Plaintiff	Case Number
vs.	19-cv-10674
ARDSLEY UNION FREE SCHOOL DISTRICT, JEANNE FARRUGGIO, & THOMAS FISCHER	
Defendant	

IH-32

Rev: 2014-1

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

Case No. 19-cv-10674 pertains to the plaintiff student's educational program up to the 2017-18 SY. The complaints allegations pertaining to a select issues for judicial review under the IDEA and claims that the Defendant school district discriminated against the student survived a motion to dismiss. The Plaintiffs, who were initially pro se, are now represented by attorneys. The parties have just submitted a case management plan and a scheduling order.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The newly filed case involves the continuation of the educational program for the same disabled student, WV, in the same school district, and with the same school personnel--Jeanne Farruggio. The issues that comprise the school district's alleged discrimination in this complaint are continuation of the same conduct and attitudes alleged in the prior complaint--a failure to address a disabled student's needs related to a specific area of the curriculum (Career Development and Occupational Studies)--which attitudes remained unchanged after November 2017, until the student was graduated by the school district in 2020.

The persistence of the alleged discriminatory attitudes and practices that formed the basis of the first complaint until the time of this new complaint evince the defendants' deliberate indifference to those violations that the plaintiff alleges in this new complaint.

Both complaints allege that the District's failure to perform a functional behavioral assessment (FBA) and create and implement an appropriate behavioral intervention plan (BIP) denied WV access to the special instruction he needed in order to make progress in that area of the curriculum most adversely impacted by his disabilities.

The two complaints also address the question of whether the accommodations the District provided for WV were appropriate; or if--by promoting WV from grade to grade and eventually having him graduate without having demonstrated the CDOS based learning standards expected at his grade level--the District effectuated curriculum modifications that were inappropriate and unreasonable under Section 504 of the Rehabilitation Act or the ADA, insofar as they constituted fundamental alterations in the educational program and in the performance standards expected for nondisabled diploma recipients.

To the extent that the current complaint also sets forth a Section 1983 claim for selective enforcement of policies, the current complaint also uses the school district's actions in the prior complaint as a comparator.

Signature: s/Maria Theresa C. Vinluan

Date: June 16, 2021

Pro Se Plaintiff

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